

BILL ANALYSIS

Senate Research Center

S.B. 1904
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Infrastructure Development and Security
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Committee Report (Amended)

DIGEST AND PURPOSE

According to the National Conference of State Legislatures, Texas ranks first in the nation in the number of large trucks involved in crashes, the number of fatal accidents involving large trucks, and the number of fatalities in these accidents. Current law holds that if a person who has a commercial driver's license (CDL) commits a serious traffic violation or certain types of alcohol- or drug-related offenses while driving a non-commercial vehicle, the violations do not affect the person's CDL and the offenses do not get registered on the CDL driving record. As amended, S.B. 1904 allows certain traffic violations committed by a person who holds a CDL in a non-commercial vehicle to adversely affect the status of his or her CDL.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 522.003(25), Transportation Code, to redefine "serious traffic violation."

SECTION 2. Amends Section 522.081, Transportation Code, as follows:

(a) Provides that this subsection applies to a violation committed while operating any motor vehicle, including a commercial motor vehicle, rather than to only a violation committed while operating a commercial motor vehicle. Deletes the disqualification of a person who holds a commercial driver's license from driving a commercial motor vehicle for one year if convicted of three violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period.

(b) Provides that this subsection applies to a violation committed while operating any motor vehicle, including a commercial motor vehicle, except as provided by this subsection. Disqualifies a person who holds a commercial driver's license from driving a commercial motor vehicle for one year if convicted of three violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period. Disqualifies a person who holds a commercial driver's license from driving a commercial motor vehicle for one year for refusing to submit to a test under Chapter 724 (Implied Consent) to determine the person's alcohol concentration or the presence in the person's body of a controlled substance or drug while operating a motor vehicle in a public place, or if an analysis of the person's blood, breath, or urine under Chapter 724 determines that the person had a certain alcohol concentration while operating a motor vehicle in a public place. Makes conforming changes.

(c) Disqualifies a person who holds a commercial driver's license from operating a commercial motor vehicle for three years if the person is convicted of a certain offense and the vehicle was transporting a hazardous material required to be placarded; or refuses to submit to a test under Chapter 724 and the vehicle was transporting a hazardous material. Disqualifies a person who holds a commercial driver's license from operating a commercial motor vehicle for three years if an analysis of the person's blood, breath, or

urine under Chapter 724 determines that the person had a certain alcohol concentration while transporting a hazardous material. Makes conforming changes.

(d) Disqualifies a person from driving a commercial vehicle for life for any combination of two or more of the following, arising from two or more separate incidents: a conviction under Subsection (b)(2); a refusal described by Subsection (b)(3); and an analysis under Subsection (b)(4).

(e) Prohibits a person from being issued a commercial driver's license if, in connection with the person's operation of a commercial motor vehicle, the person commits an offense or engages in conduct that would disqualify the holder of a commercial driver's license from operating a commercial motor vehicle, or is determined to have had an alcohol concentration of 0.04 or more or to have had a controlled substance or drug present in the person's body. Provides that the period of prohibition under this subsection is equal to the appropriate period of disqualification required by Subsections (a) - (d).

(f) Redesignated from existing Subsection (e).

SECTION 3. Amends Section 522.087, Transportation Code, to make conforming changes.

SECTION 4. Amends Article 45.0511(a), Code of Criminal Procedure, to provide that this article applies only to an alleged offense involving the operation of a motor vehicle and supplements Article 45.051. Deletes a reference to a commercial motor vehicle.

SECTION 5. Amends Chapter 45B, Code of Criminal Procedure, by adding Article 45.0512, as follows:

Art. 45.0512. NONAPPLICABILITY OF ARTICLES 45.051 AND 45.0511 TO CERTAIN OFFENSES. (a) Defines "commercial motor vehicle" and "commercial driver's license."

(b) Sets forth offenses to which Articles 45.051 and 45.0511 do not apply.

SECTION 6. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.

(c) and (d) Make application of Sections 522.081 and 522.087, Transportation Code, as amended by this Act, prospective.

LIST OF COMMITTEE AMENDMENTS

(1) On page 1, line 25, between "Section 522.011" and "or" insert "or Section 522.042".

(2) On page 5, line 20, between "license" and "if" insert "and is disqualified from operating a commercial motor vehicle".